

Salem Planning and Zoning Commission  
February 17, 2009

Present: Abetti, F.  
Bingham, D. - left at 8:17 pm  
Chinatti, M. - Town Planner/ZEO  
Dalkowski, R.  
Fogarty, G.  
McKenney, H.

Absent: Buckley, K.  
Savalle, R.  
Vacancy, Alt.  
Vacancy, Alt.  
Vacancy, Alt.

Guests: See attached.

**CALL TO ORDER:**

Chairman H. McKenney:

- Called the meeting to order at 7:30 pm, and
- Introduced all members and staff present.

**PUBLIC HEARINGS:**

None Scheduled.

M/S/C (McKenney/Fogarty) to add the following to tonight's agenda:

- Add, under *PETITIONERS*, "2) Carvalho Brothers Realty, LLC - application (RS#09-02-01) for a resubdivision of land in both Salem and Colchester (two [2] lots in Salem; six [6] lots in Colchester) and a proposed road in both towns at 50 Buckley Road in Salem", and
- Add, under *NEW BUSINESS*, "3) ZEO mileage."

Vote: approved unanimously.

**PETITIONERS:**

1) **Slota - Modification of lot development plan for 649 West Road**

M. Chinatti, Town Planner/ZEO:

This modification is before the Commission as this lot is in the CNS Sunset Meadows Subdivision for which all lots must have their lot development plan approved by the Commission due to drainage concerns.

The development plan for this lot was previously approved by the PZC for a single family home with a 24' x 24' garage. The plan has since been changed to a two (2) family with a 24' x 28' garage.

There were no drainage concerns for the first approval and, after review of the plan, there remains no drainage concerns for this plan.

M/S/C (Bingham/Abetti) to approve the modification to the Lot Development Plan for 649 West Road in the CNS Sunset Meadows Subdivision as presented. Vote: approved unanimously.

- 2) **Carvalho Brothers Realty, LLC - application (RS#09-02-01) for a resubdivision of land in both Salem and Colchester (two [2] lots in Salem; six [6] lots in Colchester) and a proposed road in both towns at 50 Buckley Road in Salem**

M. Chinatti, Town Planner/ZEO:

This application and plans came in this afternoon.

The proposed road will enter at 50 Buckley Road, with two (2) lots on either side of it in Salem, and continue over the town line into Colchester (to service six [6] lots in Colchester) ending in a cul-de-sac.

The Salem IWCC granted its approval last summer.

The application will require a public hearing.

She recommends that a public hearing be set for April 21, 2009.

The application and plans must be sent to Colchester as well as the SCCOG and WINCOG.

Commission concerns in regard as to how to handle the dual town road and resubdivision.

M. Chinatti, Town Planner/ZEO, will research a similar subdivision previously approved in Salem.

M/S/C (McKenney/Fogarty) to set a public hearing for application RS#09-02-01 of Carvalho Brothers Realty, LLC for a resubdivision of land in both Salem and Colchester (two [2] lots in Salem; six [6] lots in Colchester) and a proposed road in both towns at 50 Buckley Road in Salem for Tuesday, April 21, 2009, 7:00 pm, Salem Town Office Building, 270 Hartford Road. Vote: approved unanimously.

#### **PUBLIC COMMENTS:**

There were no *PUBLIC COMMENTS* this evening.

#### **OLD BUSINESS:**

There was no *OLD BUSINESS* this evening.

**NEW BUSINESS:**

R. Dalkowski recused himself  
and left the room.

**1) Syleo Developers, LLC - request for return of road maintenance bond**

M. Chinatti, Town Planner/ZEO:

Syleo Lane is the cul-de-sac in Forsyth Estates Subdivision off Forsyth Road, for which this bond was posted.

The road was approved by the town last year.

\$27,300 is remaining in the maintenance bond.

The Commission has received a joint letter from both the Town Engineer and the Public Works Director in favor of the bond release.

The First Selectman has also submitted a letter in request of the bond release.

M/S/C (Bingham/Abetti) to approve the request of Syleo Developers, LLC for the return of the road maintenance bond for Syleo Lane. Vote: approved unanimously.

R. Dalkowski resumed his seat on the Commission.

**2) Tullai resubdivision (approved 1/20/09) - 196 West Road**

**a) Bonding for monuments**

M. Chinatti, Town Planner/ZEO:

Attorney J. Janenda, the applicant's attorney, requested that, due to the weather, which makes it impossible to install monuments at the present time, a bond be set for the monument installation.

Section 7.2.2 of the Salem Subdivision Regulations provides for this bonding.

After discussion with the Town Engineer, a bond in the amount of \$1,800 will be required.

She recommended approval of a passbook bond in the amount of \$1,800 for monument installation.

M/S/C (McKenney/Fogarty) to approve the request to file a bond, said bond to be a passbook bond in the amount of \$1,800, for the setting of monuments for the Tullai resubdivision at 196 West Road, which was approved by the Commission on January 20, 2009, with the following condition:

- The monuments will be set no later than May 15, 2009 and, when set, shall be inspected by staff and the applicant's engineer.

Vote: approved unanimously.

**b) Fee in lieu of digital data submission**

M. Chinatti, Town Planner/ZEO:

Attorney Janenda also requested that the Commission accept a fee in lieu of digital data submission as the applicant's surveyor does not have the appropriate software for the digital filing as required by the regulations.

Her recommendation is to approve the request.

M/S/C (McKenney/Dalkowski) to approve the request to allow payment of a fee, in the amount of \$500, in lieu of digital data submission for the approved two (2) lot resubdivision of G. Tullai at 196 West Road (RS#10-08-01), which was approved by the Commission on January 20, 2009. Vote: approved unanimously.

**3) ZEO mileage**

M. Chinatti, Town Planner/ZEO/WEO:

As of her January mileage submission sheet, the ZEO mileage account will be overdrawn.

The line item for the mileage is presently \$1,000.

This mileage account has been in the Building Department budget because the town at one time had a Building Official/ZEO/WEO/Sanitarian (in late 1980/early 1990 time period) as one position and the line item was never changed when the Building Official, ZEO/WEO and the Sanitarian became three separate positions.

After discussion, it was the consensus of the Commission to have the chairman speak to the First Selectman in regard to this matter.

M/S/C (McKenney/Fogarty) to take a ten (10) minute recess. Vote: approved unanimously.

The chairman called the meeting back to order at 8:06 pm.

**ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT (See attached to the filed copy of these minutes.)**

M. Chinatti, Town Planner/ZEO/WEO, added the announcement of a seminar on wind turbines.

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS:**

- 1) **January 20, 2009 - Regular Meeting**
- 2) **January 27, 2009 - Regular Meeting**

M/S/C (Bingham/Abetti) to approve the minutes of the January 20, 2009 and the January 27, 2009 Salem Planning and Zoning Commission Regular Meetings as presented. Vote: approved unanimously.

#### **EXECUTIVE SESSION:**

M/S/C (McKenney/Fogarty) to go into Executive Session at 8:13 pm to discuss item 1) *Pending litigation - 160 Old Colchester Road* and item 2) *Pending litigation (Kobyluck)* and include M. Chinatti, Town Planner/ZEO/WEO and D. McTigue, PZC Administrative Assistant/Recording Secretary. Vote: approved unanimously.

D. Bingham stated that he would only participate in the discussion of item 1) and would recuse himself for item 2).

#### **1) Pending litigation - 160 Old Colchester Road**

Present at Executive Session:

F. Abetti, D. Bingham, R. Dalkowski, G. Fogarty, and H. McKenney.

Present at the Commission's pleasure:

M. Chinatti, Town Planner/ZEO/WEO and D. McTigue, PZC Administrative Assistant/Recording Secretary.

At the conclusion of the discussion of item 1), D. Bingham recused himself and left the meeting at 8:17 pm.

#### **2) Pending litigation (Kobyluck)**

Present at Executive Session:

F. Abetti, R. Dalkowski, G. Fogarty, and H. McKenney.

Present at the Commission's pleasure:

M. Chinatti, Town Planner/ZEO/WEO and D. McTigue, PZC Administrative Assistant/Recording Secretary.

M/S/C (McKenney/Dalkowski) to come out of Executive Session at 8:27 pm. Vote: approved unanimously.

NO ACTION TAKEN.

**PLUS DELTAS:**

There were no *PLUS DELTAS* this evening.

**CORRESPONDENCE:**

1. CLEARscapes newsletter.
2. SCCOG Annual Report.
3. Copy of PZC Annual Report for FY 2007/2008.
4. CFPZA conference.

**ADJOURNMENT:**

M/S/C (Fogarty/Dalkowski) to adjourn the meeting at 8:32 pm. Vote: approved unanimously.

Doris A. McTigue, Administrative Assistant/Recording Secretary